

ARTICLE APPEARED
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THE WASHINGTON POST
4 September 1980

Hill Unit Passes Bill To Bar Identifying Intelligence Agents

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The House Judiciary Committee, brushing aside claims that the bill is unconstitutional, voted yesterday to make it a crime to disclose the names of CIA operatives, even if the information comes from public documents.

The committee sent the measure on its way to the House floor after a crucial 18-to-9 vote to outlaw the disclosure of any information, even from unclassified sources, that serves to identify CIA officials or any other U.S. intelligence agents who have been working abroad.

The committee's 11 Republicans teamed up with seven Democrats for the showdown vote on the bill, which CIA Director Stansfield Turner called "vital to the maintenance of an effective intelligence apparatus and the successful conduct of United States foreign policy."

A similar proposal has already been approved by the Senate Intelligence Committee and is scheduled to come up for a hearing tomorrow before the Senate Judiciary Committee. Proponents are pressing for quick action before congress adjourns for the fall campaign.

Leading the charge for proponents of the measure, Rep. Henry J. Hyde (R-Ill.) dismissed the objections of constitutional scholars and civil libertarians as based on "an absolutist interpretation of the First Amendment." He denounced those who publish the names of CIA agents, and said "they should be treated as criminals."

The bill also prohibits disclosure of the names of FBI counterintelligence and counterterrorist agents and informers, whether they work in this country or abroad.

"They make the same contribution to national security and they face the same dangers," Hyde said in response to statements that the FBI has not encountered the problems the CIA has. "I don't think we have to wait for a bloody body to give them the protection they deserve."

Fourteen constitutional law professors from Harvard, Yale, UCLA and the University of Texas told the committee in a last-minute telegram that they believe the penalties directed at publication of unclassified information to be a violation of the free press and free speech guarantees of the First Amendment, but it had little effect on the outcome.

The stiffest penalties in the bill, 10 years in prison and a \$50,000 fine, are reserved for past and present government officials who learn the identity of covert agents in the course of their work.

But the measure is aimed primarily at outlawing anti-CIA periodicals that regularly print the names of CIA operatives after gleaning their identities from public sources. As a result, it would permit the prosecution of any journalist or other "outsider" who discloses the name of a secret operative "with the intent to impair or impede the foreign intelligence activities of the United States."

Critics of the bill, such as Rep. Don Edwards (D-Calif.) and John F. Seiberling (D-Ohio), charged that this would prevent disclosure of a wide variety of CIA misdeeds, such as the agency's campaign years ago to disrupt the economy and government of Chile.

Rep. Romano L. Mazzoli (D-Ky.) contended that such exposes could still be printed but "without naming names."

Edwards said this would amount to "cutting the guts" out of any such story and destroying its impact.

"You're cutting out the guts of our agents," Hyde interjected.

"I'm not prepared to take the guts out of the Constitution," Seiberling retorted.

After the 18-to-9 showdown vote, Seiberling offered a separate amendment that would have allowed any defendant to thwart prosecution if he could show that his disclosures came "from other than classified information," but it was beaten back by an even wider margin, 21 to 8. Hyde said it would have made the bill "worthless."

"If you support this [Seiberling's] amendment," Hyde warned, "the CIA doesn't want the bill."

Edwards said the Justice Department was willing, on behalf of the Carter administration, to take a more modest measure. He said he found it extraordinary that the CIA could openly disagree with that position unless the agency has become "totally independent."

Rep. Robert F. Drinan (D-Mass.), another critic of the bill, complained that enactment of penalties for journalists and other "outsiders" was not even contemplated until a July 4 attack on the home of the CIA station chief in Jamaica. The station chief's name, address and other personal data had just been disclosed publicly by the co-editor of an anti-CIA periodical. Since then, Drinan said, the atmosphere surrounding the bill has been one of "hysteria."